

Corporation, Agent of. Agent, of Corporation. Foreigner as Agent of Corporation. Insurance Company, Agent of.

A person who is not a citizen of the United States but who has a legal residence within the state of Montana may be authorized to act as agent of an insurance company.

June 7, 1914.

Hon. William Keating,  
State Auditor,  
Helena, Montana.

Dear Sir:

I acknowledge receipt of your inquiry:

"As to whether a person not a citizen of the United States can lawfully be granted a certificate to act as the agent of an insurance company in the state of Montana?"

The provisions of Section 4023, Revised Codes, as amended by Chapter 114, Laws of 1909, provide that no such certificate shall be issued to any person, agent, firm or corporation unless he or it "is a legal resident of the State of Montana." The term "residence" in its ordinary meaning signifies place of abode or home,—or to use the terms of the statute:

"It is the place where one remains when not called elsewhere for labor or other special or temporary purposes, and to which he returns in seasons of repose."

Sec. 32, Revised Codes.

The statute further provides:

"Words and phrases are construed according to the text and the approved usage of the language."

Sec. 15, R. C.

There is nothing in said Section 4023 which would indicate that the term "legal residence" was to be given any meaning other than that which "the approved usage of the language" indicates, and a foreigner may legally reside within the state as well as a citizen. Hence, he may have a legal residence.

You are, therefore, advised that you have authority to issue such certificates to a legal resident of the state, although such resident may not be a citizen of the United States.

Yours very truly,

D. M. KELLY,  
Attorney General.